

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION**

**UNITED STATES OF AMERICA** )  
                                  )  
                                  )  
v.                              )     **1:06-CR-00360-VEH-JEO**  
                                  )  
**TAREYTON ERIC ERVIN**    )

**MEMORANDUM OPINION**

This matter is before the court following the defendant's mental evaluation by Dr. Kimberley Ackerson to determine the mental competency of the defendant to stand trial and to determine whether there is any evidence that the defendant was suffering from some mental disease or defect at the time of the offense. (Doc. 28). The court has considered the entire file in this action together with the Magistrate Judge's Report and Recommendation and has reached an independent conclusion that the Magistrate Judge's Report and Recommendation is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accord with the recommendation, the defendant has not suffered from a serious mental illness and he is competent to stand trial.

**DONE**, this 2nd day of April, 2007.

  
**VIRGINIA EMERSON HOPKINS**  
United States District Judge